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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/814,365

03/31/2004

Omar Habib Khan

24207-10084

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03/11/2009

GOOGLE / FENWICK  
SILICON VALLEY CENTER  
801 CALIFORNIA ST.  
MOUNTAIN VIEW, CA 94041

EXAMINER

DAYE, CHELCIE L

ART UNIT

PAPER NUMBER

2161

MAIL DATE

DELIVERY MODE

03/11/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* OMAR HABIB KHAN, NINIANE WANG, and  
STEPHEN R. LAWRENCE

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Application No. 10/814,365  
Technology Center 2100

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Mailed: March 11, 2009

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Before SHERRIE SAUNDERS-COBB, *Paralegal Specialist*  
SAUNDERS-COBB, *Paralegal Specialist*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on December 17, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

**APPEAL BRIEF, GROUNDS OF REJECTION**

A review of the file finds that the grounds of rejection of the claims as provided in the Appeal Brief filed July 14, 2008 under the heading “Grounds of rejection to be reviewed on appeal” is unclear and/or is not consistent with the grounds of rejection of claims of record. The grounds of rejection of the claims as provided in the Appeal Brief must be consistent with the last Office action of record, including any Advisory action responsive to any after final submissions. Each Grounds of rejection to be reviewed on appeal must be identified.

A review of the last Office action, including any mailed Advisory Action(s) finds that claims 3-13, 15, 16, 22-33, 37-38, 40, and 41 are rejected; whereas Appellant(s) have either not indicated the grounds of rejection of these claims or has improperly listed these claims as rejected Grounds of Rejection provided by Appellants. The Appellants state only the Grounds of Rejection for independent claims 1, 19-20, and 36 being unpatentable under 35 U.S.C. § 103(a) over Malik in view of Bharat and further in view of Dumais. Correction of the Grounds of rejection to be reviewed on appeal for all claims is required.

**CONCLUSION**

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

- 1) to hold the Appeal Brief filed on July 14, 2008 defective;
- 2) notify Appellants to file a paper properly addressing the Grounds of rejection of all claims; and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

Ssc:

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